**THE HON'BLE MS JUSTICE G.ROHINI**

WRIT PETITION No.11673 of 2004

Dated 06-01-2006

Between:

K. S. Sridhar.

**.....** PETITIONER

AND

The Assistant Commissioner of Endowments, Endowments Department, Chittoor, and another.

**.....**RESPONDENTS

**THE HON'BLE MS JUSTICE G.ROHINI**

WRIT PETITION No.11673 of 2004

O R D E R:

The petitioner was appointed as Single Trustee of Sri Lakshminarayanaswamy Temple in Vepenjeri Village, Chitoor District, on 27-09-2002 for a period of two years. Thus he is entitled to continue up to 26-09-2004. However, under the impugned notification dated 22-06-2004, the first respondent-Assistant Commissioner of Endowments, invited applications from the interested persons for appointment as Board of Trustees under Section 15 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, (hereinafter referred to as 'the Act') stating that the terms of the office of the Trustee expired. Aggrieved by the said action of the first respondent, this writ petition is filed seeking a declaration that the impugned notification dated 22-06-2004 is arbitrary and illegal.

The learned counsel for the petitioner primarily contended that since

the term of the petitioner as the Single Trustee was subsisting up to 26-09-2004, the first respondent was not justified in initiating proceedings for appointment of a new Trust Board.

In response to the Rule Nisi ordered, the first respondent-Assistant Commissioner of Endowments, filed a
counter-affidavit, in which it is stated that the petitioner has resigned to the post of Trusteeship on 19-11-2003 and the same was accepted by the first respondent-Assistant Commissioner of Endowments and accordingly, a notification was issued on 24-11-2003 inviting applications for appointment of Trust Board, however no applications were received and therefore, a fresh notification was issued on
22-06-2004 i.e., the impugned notification for appointment of Trustees. Thus according to the respondents, the impugned notification cannot be said to be in violation of statutory rules as contended by the petitioner.

Mr. Abbu Jankirama Reddy, who claims to have submitted an application in pursuance of the impugned notification dated
22-06-2004, got himself impleaded as the second respondent and filed a counter-affidavit reiterating the averments in the counter-affidavit of the first respondent.

I have heard the learned counsel for both the parties and perused the material on record.

The learned counsel for the petitioner vehemently contended that the version of the first respondent that the petitioner had resigned to the Trusteeship long back and the same was accepted is absolutely false. It is also contended that the signature of the petitioner was forged and the so-called resignation letter was fabricated.

The petitioner has also filed a petition being W.P.M.P.No.32799 of 2005 stating that he has made a complaint before the Superintendent of Police, Chittoor, and the Station House Officer, G.D. Nellore, complaining about the forgery and accordingly, seeking

a direction to them to investigate into his complaint and take necessary action in accordance with law.

Be that as it may, as can be seen from the order of appointment of the petitioner as Trustee, it is not in dispute that as on today the term of the petitioner as Trustee does not subsist. Admittedly, the term has expired in September, 2004 itself. Since the order of appointment has already worked itself out, nothing survives for adjudication on merits. It is also not necessary for this Court to express any opinion with regard to the allegations made by the petitioner that his signature was forged and the so-called resignation was fabricated since he had already lodged a complaint before the Superintendent of Police, Chittoor, and the Station House Officer, G.D. Nellore. It is left open to them to make necessary enquiry and take appropriate action in accordance with law.

The learned counsel for the petitioner has also brought to the notice of this Court that the petitioner has made an application long back on 02-08-2002 seeking appointment as Founder Trustee of the Temple in question and the first respondent has failed to take any action so far. The fact that such an application was submitted by the petitioner and the same is pending has not been disputed by the first respondent.

The learned Government Pleader submits that under Section 87 (h) of the Act, the Deputy Commissioner of Endowments is the Competent Authority to decide the question with regard to appointment of the Founder or a member from the family of the founder of an institution or endowment.

Accordingly, I deem it appropriate to dispose of the writ petition with a direction to the Deputy Commissioner of Endowments to consider the application of the petitioner seeking appointment as Trustee which was admittedly made on 02-08-2002 and to pass appropriate orders in accordance with law as expeditiously as possible. It is also made clear that it is open to the Assistant Commissioner of Endowments to issue a fresh notification for

appointment of Board of Trustees under Section 15 of the Act and to take necessary action in accordance with law.

The writ petition is accordingly disposed of. No costs. Needless to mention that the interim order granted pending this Writ Petition shall stand vacated.

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**(G. ROHINI, J)**

Date:06-01-2006

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